

UNITED STATES DISTRICT COURT
for the
District of South Carolina

United States of America

v.

Billy Leroy Pendergrass

Date of Original Judgment: 05/28/2008

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 4:06-cr-01139-TLW-1

USM No: 14573-171

William F. Nettles IV

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(Complete Parts I and II of Page 2 when motion is granted)

This case does not qualify because Defendant's sentence was based on a Rule 11(c)(1)(C) agreement to 222 months incarceration, rather than the Guidelines. See Freeman v. United States, 131 S. Ct. 2685, 2696-2700 (2011) (Sotomayor, J., concurring); United States v. Duvall, 705 F.3d 479, 484 (D.C. Cir. 2013); United States v. Brown, 653 F.3d 337, 340 (4th Cir. 2011).

Except as otherwise provided, all provisions of the judgment dated 05/28/2008 shall remain in effect.

IT IS SO ORDERED.

Order Date: 10/16/2015

s/ Terry L. Wooten

Judge's signature

Effective Date: _____
(if different from order date)

Terry L. Wooten, Chief United States District Judge

Printed name and title